

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 AF-10 ARA-16 EA-11 EUR-25 NEA-10

SCA-01 SY-10 USSS-00 A-01 DRC-01 /196 W

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R 080311Z NOV 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 890

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS--

ASYLUM

1. ON NOV 6 BOLIVIAN DEL INTRODUCED COMPROMISE TEXT ON ASYLUM CONVENTION CONTAINED USUN'S 4395. HE WAS GREETED BY STORM OF QUESTIONS AS TO ITS MEANING WHICH HE WAS UNABLE ANSWER.

2. PROBLEMS FURTHER COMPOUNDED WHEN NUMBER OF COSPONSORS ORIGINAL 11-POWER TEXT (USUN 3963) ANNOUNCED THEY DID NOT REGARD BOLIVIAN PROPOSAL AS REPLACING THEIR TEXT. KOLESNIK (USSR) STATED BOLIVIAN TEXT UNACCEPTABLE BECAUSE AMONG OTHER THINGS IT DID NOT PROHIBIT INVOKING OF ASYLUM TREATIES AGAINST NON-PARTIES. SUBSEQUENT CONVERSATIONS REVEALED TRANSLATION ERROR IN RUSSIAN TEXT WHICH RENDERED "MAY NOT INVOKE" IN FORM WHICH MEANT "IS FREE NOT TO INVOKE". THIS POINT HAS BEEN CLARIFIED AND SOVIETS ARE RECONSIDERING THEIR ATTITUDE.

3. KENYAN REPRESENTATIVE OBJECTED TO LIMITATION OF PROVISION TO TREATIES IN FORCE AT TIME CONVENTION ADOPTED

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AND NIGERIAN REPRESENTATIVE SUGGESTED ENTIRE TEXT

UNNECESSARY.

4. DELOFF STATED WE APPROACHED QUESTION IN LIGHT OAS RES OF JUNE 1970 WHICH UNANIMOUSLY DECLARED ACTS OF TYPE COVERED BY CONVENTION AS COMMON CRIMES AND ON UNDERSTANDING THAT BOLIVIAN TEXT: (A) WOULD BE ONLY TEXT ON ASYLUM WHICH WOULD BE PRESSED, (B) REFERRED EXCLUSIVELY TO HAVANA, MOTEVIDEO AND CARACAS CONVENTIONS, (C) IF ADOPTED WOULD MEAN NO STATE WOULD INVOKE ASYLUM DOCTRINE AS BASIS FOR NOT BECOMING PARTY TO DIPLOMATS CONVENTION AS ADOPTED BY UNGA. SANCHEZ GAVITO (MEXICO) LATER THANKED DEL FOR HELPFUL INTERVENTION AND EXPRESSED FULL AGREEMENT WITH POINTS (A), (B) AND (C).

5. AFTER MEETING AND DURING DAY NOV 7 SANCHEZ GAVITO WORKED ON HIS LATIN COLLEAGUES TO ACCEPT BOLIVIAN TEXT AS SUBSTITUTE FOR 11-POWER TEXT, TENTATIVE AGREEMENT REACHED THAT PRIORITY WOULD BE ACCORDED BOLIVIAN TEXT AND NOTHING MORE WOULD BE SAID ABOUT OTHER DRAFT. SANCHEZ GAVITO ALSO THINKS HE MAY HAVE CONVINCED KENYAN NOT TO INSIST ON BROADENING TEXT BEYOND TREATIES IN FORCE AT TIME CONVENTION ADOPTED.

6. MATTER WILL BE TAKEN UP BY COMMITTEE AM NOV 8.
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Message Attributes

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